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2 GRETCHEN E. DENT, ESQ. [State Bar No. 222184]  
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8 Attorneys for Defendant  
9 STEPHEN MANGELSEN

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 FLUKE ELECTRONICS  
13 CORPORATION, a Washington  
14 corporation,

15 Plaintiff,

16 vs.

17 STEPHEN MANGELSEN, a California  
18 resident,

19 Defendant.

NO. C0-8-01188 PVT

**NOTICE OF MOTION AND MOTION  
FOR MORE DEFINITE STATEMENT  
AND TO STRIKE SECOND CAUSE OF  
ACTION (RULE 12(e), 12(f))**

Date: May 13, 2008  
Time: 10:00 a.m.  
Dept.: 5

20 **TO FLUKE ELECTRONICS CORPORATION AND ITS ATTORNEYS OF  
21 RECORD:**

22 PLEASE TAKE NOTICE THAT ON May 13, 2008 at 10:00 a.m. or as soon thereafter  
23 as the matter may be heard, in Courtroom 5 of the above-encaptioned court, located at 280  
24 North First Street, San Jose, California 95113, Defendant STEPHEN MANGELSEN will  
25 move for an order compelling Plaintiff to make a more definite statement, to strike the Second  
26 Cause of Action of the Complaint, and to strike the Prayer for attorneys' fees.

27 This motion is made on the grounds that the First Cause of Action is too vague and  
28 ambiguous to allow Defendant to frame an appropriate response; that the Second Cause of  
Action is surplusage; and that Plaintiff has pleaded neither contract nor statute entitling

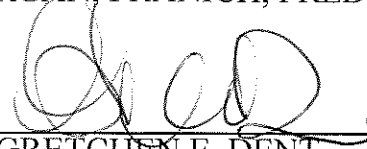
1 Plaintiff to recover attorneys' fees. The motion is made pursuant to Federal Rule of Civil  
2 Procedure, Rules 12(e) and 12(f).

3 This motion will be based on this Notice of Motion and Motion, the Memorandum of  
4 Points and Authorities filed herewith, and on such other oral and documentary evidence to be  
5 presented at the hearing.

6 Dated: April 4, 2008

MORGAN, FRANICH, FREDKIN & MARSH

7  
8 By

  
9 GRETCHEN E. DENT  
10 Attorneys for Defendant  
11 STEPHEN MANGELSEN  
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